

**SUMMIT FINANCIAL RESOURCES
L.P.,**

Plaintiff,

V.

BIG DOG ENTERPRISES LOGISTICS, LLC, d/b/a FREIGHT HAULING LOGISTICS, DAVID HURSEY, THE HURSEY GROUP, LLC, and AGED ASSETS, LLC, COMMERCIAL PROPERTY MANAGEMENT, LLC, HURSEY TECHNOLOGY, LLC, PEERLESS-PREMIER APPLIANCE CO., and FIRST BANK,

Defendants.

Case No. 07-CV-0187-MJR-CJP

CONSOLIDATED WITH

Case No. 07-CV-0361-MJR-CJP

ORDER

REAGAN, District Judge:

On March 6, 2008, Plaintiff Summit Financial Resources, L.P. filed its amended complaint in the above captioned action, naming First Bank as a Defendant. On May 16, 2008, Summit and First Bank filed a joint motion to voluntarily dismiss Summit's claims against First Bank with prejudice pursuant to Rule 41(a)(2).

FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2) provides that where the defendant has answered the complaint or filed a motion for summary judgment, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” As noted above, the motion to dismiss was jointly filed and was signed by Wiley E. Moore, counsel for Summit, and Michael P. Stephens, counsel for First Bank. Additionally, no party to the action has

filed a response or objection to the motion.

Having fully considered the instant motion, the Court hereby **GRANTS** the motion to voluntarily dismiss (Doc. 289) and **DISMISSES** the action against First Bank **with prejudice** pursuant to Rule 41. Accordingly, the Court hereby **DENIES AS MOOT** First Bank's motion to dismiss (Doc. 276).

IT IS SO ORDERED.

DATED this 12th day of June 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge